

**REMARKS**

In view of the foregoing amendments and the following remarks, reconsideration of the present patent application is respectfully requested.

Independent claims 11 and 15 have been amended in order to more clearly distinguish the present invention from the cited reference. All of the amendments are supported by the specification and drawings of the present invention, and therefore there is no new matter added therein.

**Rejection under 35 U.S.C. §112**

The Examiner states that the limitation "a silicon oxide substrate having a source/drain region" is not supported by the specification. In fact, there is a typographical error in the limitation requiring the "silicon oxide substrate." This limitation should require a "silicon substrate" and thus has been amended to correct the typographical error. Thus, the limitation "a silicon substrate having a source/drain region" is supported on page 7, lines 12-14 of the specification, which describes that "the structure comprises a silicon substrate 200 having a source region 213 and a drain region 214".

In addition, the recitation "a sidewall forming" before the structure "a single floating gate" is also a typographical error and has thus has also been deleted from claim 11.

Favorable consideration and withdrawal of the rejection under 35 U.S.C. §112, in view of the foregoing amendments, is requested.

**Rejection under 35 U.S.C. §102(e)**

Claims 11-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hsieh (USPN 6,245,614).

Hsieh discloses a device including a self-aligned split-gate flash memory cell. As shown in Fig. 17 in Hsieh's patent, the device includes a silicon substrate 102, a gate oxide layer 105, a select gate 112, 114, 116, 118, a polysilicon spacer 126, an insulating layer 142, and a control gate 145, which are respectively corresponding to the silicon substrate 200, the tunnel oxide layer 207, the select gate 203, 204, the floating gate 211, the third insulated material 212, and the control gate 216 in the device, as

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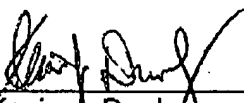
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shown in Fig. 2, of the present application. However, the feature of the third insulated material in the present claims is different from that of the insulating layer in Hsieh's patent. In the present invention, the third insulated material is contacted with the tunnel oxide layer, the select gate and the floating gate, while in Hsieh's device, the insulating layer is formed over the silicon oxide layer, the dielectric layer and the polysilicon spacer. That is to say, the insulating layer in Hsieh's device does not directly contact the gate oxide layer and the select gate, which is clearly different from the structure of the present invention. Therefore, the device of the present invention is distinct from Hsieh's device.

Accordingly, the Applicant respectfully submits that the amended independent claims 11 and 15 are patentable over Hsieh. Also, claims 12-14 are considered to be patentable owing to their dependency from the patentable independent claim 11.

Favorable consideration, withdrawal of the rejection of claims 11-15 under 35 U.S.C. §102(e) as anticipated by Hsieh, and issuance of a Notice of Allowance are requested.

Respectfully submitted,

  
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Kevin J. Dunleavy  
Registration No. 32,024

Customer No. 21302  
KNOBLE & YOSHIDA  
Eight Penn Center  
Suite 1350  
1628 John F. Kennedy Blvd.  
Philadelphia, PA 19103  
Telephone: (215) 599-0600  
Facsimile: (215) 599-0601  
Email: [KJDunleavy@patentwise.com](mailto:KJDunleavy@patentwise.com)